

b.) Remarks

Claim 1 has been amended in order to recite the present invention with the specificity required by statute. Additionally, new claims 44-73 are presented in order to more specifically recite various preferred embodiments of the present invention. Accordingly, no new matter has been added.

Claims 5 and 14 are indicated as reciting unobvious and patentable subject matter and will be allowed if rewritten to overcome the following rejection(s) under 35 U.S.C. §112, second paragraph. The Examiner's assistance and cooperation in expediting the prosecution of this application by separately examining the subject matter of Applicants' dependent claims is gratefully acknowledged.

Claims 1, 2, 4, 10-15 and 28 are rejected under 35 U.S.C. §112, as failing to enable one of ordinary skill in the art to practice the undefined derivatives recited therein. In this regard, Applicants respectfully submit the Examiner misconstrued the significance of the term "derivative". That is, in the claims and the present specification, the term "derivative" does not represent compounds derived from the compounds represented by Formula (I); rather, Formula (I) is itself bicyclic pyrimidine derivatives. Nonetheless, in response, simply in order to reduce the issues, the claims have above been amended to delete the term "derivative".

Claims 1, 2, 4, 10-15 and 28 are rejected under 35 U.S.C. §112, paragraph two, as being indefinite for containing a typographical error. In response, Applicants submit that adding an "or" where suggested is not grammatically necessary or idiomatically appropriate. However, for further clarification of claim 1, a comma (--,--)

has been interposed prior to the penultimate “or” in the following paragraph. It is accordingly, thought that such now address the Examiner’s concerns.

Claims 1, 2, 4, 10-13, 15 and 28 are rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 3,248,395 (Ohnacker), specifically the Examples noted at page 6 of the Office Action, lines 6-7. Claims 1, 2, 4, 10-13, 15 and 28 are rejected under 35 U.S.C. §103(a) as being obvious over Ohnacker.

This rejection is respectfully traversed. As the Examiner is well-aware, in the noted Ohnacker Examples, Applicants’ R² is



Accordingly, this rejection is now overcome by the above amendment to claim 1 deleting the possibility that A can be a single bond. That is to say, none of the compounds encompassed in amended claim 1 are alkyl homologs or position isomers of Ohnacker’s 2-amino-4-amino-5,6,7,8-tetrahydropyrido-[4,3-d]-pyrimidines and acid addition salts. Nor, in any event, does Ohnacker teach or suggest that the claimed compounds exhibit anti-inflammatory activities. (To the contrary, Ohnacker teaches his compounds exhibit antiphlogistic, antipyretic, diuretic, bacteriostatic, sedative and colony dilating activities.)

As a final formal matter, the Examiner requested Applicants submit information concerning the compounds excluded by the proviso language in claim 1. In response, Applicants wish to clarify that bicyclic pyrimidine derivatives having pyrazol-3-ylamino or 1,2,4-triazol-3-ylamino at 4 position are disclosed in W0 2002/22602, W0

2002/22604, W0 2002/50065 and W0 2002/62789. Each of these publications was cited in Applicants' March 30, 2005 Information Disclosure Statement.

In view of the above amendments and remarks, Applicants submit that all of the Examiner's concerns are now overcome and the claims are now in allowable condition. Accordingly, reconsideration and allowance of this application is earnestly solicited.

Claims 1, 4, 5, 11-15, 28 and 44-73 remain presented for continued prosecution.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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